

USA vs. Tetzlaff
Case No. 21-CR-11

Sentencing Guidelines Analysis

I. Recommendation Per the Plea Agreement (3/19/2021)

	Count 1 Transport of Minors 2423(a)	Count 3 Exploitation/Possession of Child Pornography 2251(a)
	Level Adjustments	
Base Level	28	32
Minor Victim in Custody	+2	+2
Commission of Sex Act	+2	-
Victim Under 12	+8	+4
Pattern of Activity Against Minor	+5	-
Subtotal	45	38
Less:		
Acceptance of Responsibility	-2	-2
Timely Notice of Entry of Plea	-1	-1
Total	42	35
Sentencing Guidelines	30 years to Life	168-210 months (14-17 1/2 years)
Minimum Penalty	10 years	15 years
Maximum Penalty	Life	30 years
	Defense Free to Argue	

II. Recommendation Per Pre-Sentence Investigation

	Count 1 Transport of Minors	Count 3 Exploitation/Possession of Child Pornography
	Level Adjustments	
Base Level	28	32
Minor Victim in Custody	+2	+2
Commission of Sex Act	+2	+2 *
Victim Under 12	+8	+4
Subtotal	40	40
Muliple Count Adjustments		+2
Pattern of Activity Against Minor		+5 **
Subtotal	45	47
Less:		
Acceptance of Responsibility	-2	-2
Timely Notice of Entry of Plea	-1	-1
Total	42	44
Sentencing Guidelines	30 years to Life	Life ***
Minimum Penalty	10 years	15 years
Maximum Penalty	Life	30 years

Defense Notes:

* Defense objects because photographs did not depict sexual activities

** Defense objects because PSI Added 5 level Increase to Count 3 rather than Count 1 as per Plea Agreement. Count 1 had the higher level total (40 vs 38). The PSI added the 5 level increase because the offense levels were equal, and that was only because the PSI added an additional 2 level increase for the Pornography being made during a sex act, which the Defense contends is wrong.

*** Count 3 Guidelines call for a Life Sentence per the PSI, but maximum penalty for Count 3 is 30 years imprisonment.

Therefore, defense believes the court should refer to the Guidelines under Section I: Recommendation Per Plea Agreement